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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,249

01/21/2004

Kia Silverbrook

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
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EXAMINER

FIDLER, SHELBY LEE

ART UNIT

PAPER NUMBER

2861

MAIL DATE

DELIVERY MODE

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,249

Applicant(s)

SILVERBROOK, KIA

Examiner

Shelby Fidler

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Responsive Office Action

This Office Action is responsive to the amendments and remarks filed 6/7/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brugue et al. (US 6896916 B2) in view of Kobayashi et al. (US 6213600 B1).

Regarding claim 5:

Brugue et al. disclose a printer cartridge for an inkjet printer, the printer cartridge comprising:

a body (body 204) configured for user insertion in, and removal from a printer (col. 2, line 66 – col. 3, line 8);

a pagewidth printhead (printhead assembly 102; col. 3, lines 18-24) with an array of nozzles (col. 3, lines 51-55) for ejecting different printing fluids onto a media substrate (col. 2, lines 36-40), each of the nozzles being dedicated to one of the different printing fluids only (col. 5, lines 18-29);

a plurality of printing fluid reservoirs in the body for storing each of the different printing fluids separately (inherent to the disclosure of providing different colors in col. 5, lines 18-29), each of the plurality of printing fluid reservoirs being in fluid communication with the nozzles of the array that correspond to its printing fluid (col. 5, lines 18-29):

Brugue et al. do not expressly disclose that the printer cartridge comprises a refill port on the body, the refill port having a plurality of inlets, each of the inlets being in fluid communication with one of the printing fluid reservoirs only; such that,

each of the printing fluid reservoirs can be individually refilled to replace printing fluid ejected by the pagewidth printhead; wherein

during printing, the refill port is closed and disengaged from any source of refill printing fluid.

However, Kobayashi et al. disclose a printer cartridge (color ink cartridge 44) comprising a refill port (lid 69) a body of the cartridge (Fig. 3B), the refill port having a plurality of inlets (refilling hole portions 72), each of the inlets being in fluid communication with one of the printing fluid reservoirs only (col. 11, lines 27-34 and Fig. 4); such that,

each of a plurality of printing fluid reservoirs (storage chambers 68) can be individually refilled to replace printing fluid ejected by the printhead (col. 14, lines 9-17); wherein

during printing, the refill port is closed and disengaged from any source of refill printing fluid (col. 14, lines 25-36).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a refill port having a plurality of inlets, such as disclosed by Kobayashi et al., into the invention of Brugue et al. The motivation for doing so, is to provide an ink

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cartridge capable of refilled by genuine materials so that high quality printing operations can be carried out for a long time (col. 17, lines 7-16).

Response to Arguments

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection. Please see the above obviousness-type rejection based on the disclosures provided by Brugue et al. and Kobayashi et al. This combination discloses a printer cartridge comprising a refill port that is closed and disengaged from any source of refill printing fluid during printing.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication with the USPTO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shelby 2. Fidler 7/31/2007

Shelby Fidler
Patent Examiner
AU 2861



MATTHEW LUU
SUPERVISORY PATENT EXAMINER